

Town of Farmington

1000 County Road 8
Farmington, New York 14425

AGRICULTURAL ADVISORY COMMITTEE

Thursday, July 20, 2023 • 6:30 p.m.

MINUTES—FILED WITH TOWN CLERK

The following minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Farmington Agricultural Advisory Committee. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.

Committee Members Present:

Henry Adams, *Chairperson*
Peter Maslyn
Michael Putman

Committee Members Excused:

Charles Bowe
William Boyce Jr.
Denis Lepel
John Marvin
Ronald Mitchell
Doug Payne

Town Representatives Present:

Ronald L. Brand, Farmington Director of Development and Planning
Dr. Michael Casale, Farmington Town Board Member

Clerk’s Note: In the absence of a quorum at this evening’s meeting, Mr. Adams said that the Committee would conduct a discussion of several of the agenda items.

1. MEETING OPENING, PUBLIC NOTICE AND NEWS MEDIA NOTIFICATION

Mr. Adams called the meeting to order at 6:30 p.m.

The Town Clerk, the Committee members and Town staff were notified of the meeting on June 15, 2023, with a reminder on July 12, 2023. The meeting clerk notified the Canandaigua *Daily Messenger* newspaper on June 19, 2023.

The meeting date and time were posted upon the Town website and the Town Hall Bulletin Board on June 15, 2023, and have remained posted.

A public notice of the meeting was published in the Canandaigua *Daily Messenger* newspaper “Bulletin Board” website events section beginning on June 19, 2023, and has remained posted.

2. DISCUSSION OF PROPOSED TOWN LAW CREATING THE TOWN OF FARMINGTON AGRICULTURAL CONSERVATION DISTRICT RULES AND REGULATIONS, AND MAPPED BOUNDARIES

Prior to the meeting and in preparation for the discussion this evening, Mr. Brand provided the following reference materials from other municipalities to members of the Committee:

Town of Ulysses
Town of East Bloomfield
Town of Ballston
Town of Chili
Town of Coxsackie
Town of Eden
Town of Farmington Right to Farm Law
Town of Lima Agricultural Advisory Committee
Town of Saratoga Proposed Right to Farm Law
Town of Seneca Agricultural Zoning District

Also prior to the meeting and in preparation for the discussion, Mr. Adams provided the following link to a website on agricultural zoning from Pennsylvania. He said that although some of the terminology differs from what is used in New York State, the concepts and discussion on this website are applicable:

<https://conservationtools.org/guides/67-agricultural-protection-zoning>

Mr. Adams: Said that the Committee requires the specifics of what gives agricultural zoning its “teeth,” that is, what makes it [agricultural zoning] protective of farmland.

Mr. Brand: Said that the Town’s adopted *Farmland Protection Plan* identifies the strategic farmlands in the Town, the majority of which are not located in the Town’s defined Community Center Area. He said that the adopted 2021 Edition of the *Town of Farmington Comprehensive Plan* identifies as a priority actions amendments to the Town Code which include a determination on the need for creating an Agriculture Conservation District. He said that Town staff has provided several copies of other regulations for protecting agricultural resources and promoting farming within the Town.

Mr. Adams: Said that the Community Center Area boundary precludes public funding of infrastructure but that it does not preclude infrastructure improvements through the Incentive Zoning application procedure which does not involve public funds.

Mr. Brand: Said that Incentive Zoning is a form of rezoning land for a specific project and for specific uses. He said that the Town provides incentives to a developer in exchange for amenities which the developer provides to the Town. He said that the Town would then maintain the resources [which have been provided by the developer].

Mr. Adams: Said that there is an allegation that Incentive Zoning is a tool for converting farmland [to other uses]. He said that he understands how someone may think this.

Dr. Casale: Said that the Town would not be better off by excluding [all types of development]. He said that people want to get out of the city and that Farmington is seeing a lot of this growth, which he said helps the community overall and the betterment of the State. Dr. Casale said that the Town must protect farmland but that this does not mean that the entire Town has to be farmland.

Mr. Adams: Said that no one will say that Farmington is impeding development.

Mr. Adams: Said that he would like to know the specifics [of an Agricultural Conservation District]. He asked how a district would restrict a landowner from subdividing.

Mr. Brand: Said that a draft set of regulations for an Agricultural Conservation District should be based upon input from the Committee. He said that the draft regulations should not be *his* regulations.

Mr. Putman: Said that nothing would be stopping the Town Board from overruling a set of regulations [proposed by the Committee]. Mr. Brand said that there would be a great deal of discussion [throughout the community] before a final proposal would reach the Town Board to then be adopted.

Dr. Casale: Said that the rights of property owners must be considered.

Mr. Adams: Said that what the Committee may recommend must not be interpreted as a “taking.”

Mr. Adams: Said that the loss of a great deal of dairy farming in the Town is the sign of a trend. He said that dairy farming was one of the more adapted agricultural pursuits and that now it is essentially gone [from the Town]. Mr. Adams said that there are huge vibrant dairy and vegetable operations in Ontario County but that the Town has not made this transition. He said that the Committee must be comfortable with the specifics [of the regulations of a proposed Agricultural Conservation District] and must understand them.

Mr. Adams: Said that at the end of the day they [the Agricultural Conservation District regulations] would restrict a landowner’s ability to subdivide. Mr. Brand said that this is not the entire purpose [of an Agricultural Conservation District]. Mr. Adams said that the purpose [of a district] is at a high level of preserving farmland but that the Committee has to understand how to do this.

Dr. Casale: Said that the majority of the Town farmland is not supported by infrastructure, and that this [lack of infrastructure in some areas of the Town] is farmland protection right there.

Mr. Brand: Said that there is no logic to the premise that Incentive Zoning allows a private developer to extend utilities into farming areas. He said that issues under the State Environmental Quality Review Act (SEQRA) must be addressed and that a developer cannot sneak infrastructure improvements in the back door when the back door has been closed [by State regulations].

Mr. Adams: Said that a district [an Agricultural Conservation District] would diminish the competitiveness of a Purchase of Development Rights (PDR) application.

Mr. Adams: Said that he would like to be comfortable that the Committee will support something which he can say to his neighbors is not a “taking” and which will not diminish property values.

Mr. Brand: Said that previously proposed Environmental Protection Overlay Districts (EPODs) were never put into regulations. He said that it was discussed by the Planning Board and that one Planning Board member was able to convince others in the community that it was a bad idea. He said that the Planning Board, at that time, determined there was no support for creating the EPODs. He said that other communities, however, have established regulations on Environmental Protection Districts.

Mr. Brand: Said that he is at a loss as to where to begin [writing a draft of a proposed Agricultural Conservation District with accompanying rules and regulations]. He said that the sample materials [from the other municipalities which he provided] were submitted to the Committee in an attempt to provide direction to him. He said that he does not believe that the Town Board will instruct him to create something for which there is no direction from this Committee.

Mr. Adams: Said that he is asking for the “meat and potatoes.” Mr. Brand said that he is just looking for some direction from the Committee [on the writing of a draft Agricultural Conservation District law].

Mr. Brand: Said that you [the Committee] wanted me to give you something [a draft Agricultural Conservation District proposal], and that if the Committee didn’t like it then the Committee could then say that this is Ron’s idea. Mr. Brand said that this will not happen.

Mr. Putman: Suggested that a spread-sheet-type comparison of the points in the various sample regulations could be helpful.

Mr. Brand: Said that he is looking for some basis to minimize what the Committee may propose and what could be outdated by the time it reaches the Town Board for adoption.

Mr. Putman: Said that it comes back to the rights of a landowner. He said that the Town cannot just restrict everything. Mr. Brand said that no one is saying to restrict everything.

Mr. Maslyn: Asked why the Committee is discussing the possible creation of an Agricultural Conservation District at this time. He asked where this [issue] came from. Mr. Brand said that this is one of the recommendations in the adopted *Farmland Protection Plan*. Mr. Adams said that this recommendation is in the Plan “for consideration.” Mr. Brand said that the adopted *Comprehensive Plan* also lists farmland protection as a priority.

Mr. Adams: Said he doesn’t know what is currently allowed in the A-80 and RR-80 zoning districts.

Mr. Brand: Requested that the clerk provide the current Town of Farmington A-80 and RR-80 zoning codes to the Committee members for review.

Mr. Adams: Said that a sliding scale may provide more leeway [for a property owner] to subdivide more.

Mr. Brand: Said that the current Town regulations for the A-80 and RR-80 zoning districts will be provided to the Committee. He said that he will also send a memo to the Committee to request that Committee members identify those sections [in the sample regulations from the other municipalities which have been previously provided to the Committee] which Committee members feel should be considered [for the Town Agricultural Conservation District proposal].

There were no additional comments on this topic this evening.

3. MEETING WITH TOWN ASSESSOR ON AGRICULTURAL ASSESSMENTS AND EXEMPTIONS—TO BE HELD ON AUGUST 17, 2023

Mr. Brand: Said that the deadline was tonight for the submission of questions from Committee members to be provided to the Town of Farmington Assessor Donna LaPlant for her presentation at the August 17th Committee meeting on the topic of agricultural assessments and exemptions.

Mr. Adams: Said that he has drafted an email to Ms. LaPlant which does not include a list of questions but instead suggests that she provide a presentation to the Committee at the next meeting to provide an overview of the total acreage of farmland in the Town, how much is receiving agricultural exemptions, how much tax relief is being given to landowners, and other general figures of the current exemption program.

Mr. Adams: Said that he would then like Ms. LaPlant to provide a hypothetical case, start to finish, as to how an agricultural exemption work-up is done on a property.

Mr. Adams: Said that the New York State Department of Agriculture and Markets website seems clear that there is a cap on the assessment of the most productive farmland, and yet landowners wonder if this is occurring in the Town.

Mr. Adams: Said that he would like Ms. LaPlant to demonstrate how Farmington uses the State process to administer tax assessments and exemptions in the Town. He said that we need to see a worksheet and see how the assessment process works.

Dr. Casale: Said that Ms. LaPlant's presentation will take the entire meeting.

Mr. Brand: Asked if Mr. Adams knows the assessment process for his property. Mr. Adams said that he cannot tell unless he sees the worksheets [which are prepared by the Town assessor] to understand the process. He said that property owners do not receive these worksheets. Mr. Brand said that another question is why you [the property owners] do not receive the worksheets.

Mr. Adams: Said that agricultural assessments are an important tool for farmland protection. He said that these [assessments] are a very powerful tool and it is important that we [the property owners] understand them. He said this is all which he is looking for at the meeting with Ms. LaPlant.

Mr. Brand: Asked about the confirmation with Ms. LaPlant for the presentation [at the next meeting]. Mr. Adams said that he will get in touch with Ms. LaPlant and will review with her what he would like her to discuss at the meeting. He said that he looks forward to this being a worthwhile session to understand the process.

Dr. Casale: Said that this should not be a grievance meeting.

Mr. Maslyn: Said that we [the Committee] should communicate ahead of time with Ms. LaPlant on what information the Committee would like to receive.

There were no additional comments on this topic this evening.

4. NEXT MEETINGS

The next meeting of the Agricultural Advisory Committee will be held on **THURSDAY, AUGUST 17, 2023, at 6:30 p.m.** at the Farmington Town Hall, 1000 County Road 8.

Mr. Brand: Said that for the meeting of the Committee to be held on **September 21, 2023**, he would like to receive from Committee members a compilation of their reviews of what they like from the sample regulations from the other municipalities which have been provided. He said that we need to have a basis to move forward of what the Committee members see in the sample regulations, and what the Committee members feel they would like Farmington to consider.

Mr. Adams: Said that he cannot compel Committee members to do so, but that he will make this request to the Committee members.

Mr. Adams: Asked if a Town Agricultural Conservation District would be a rewrite of the current A-80 zoning regulations. He said that a district suggests something like a sewer district, a water district, a lighting district, a sidewalk district or the Major Thoroughfare Overlay (MTOD) district.

Mr. Brand: Said that the A-80 zoning district will not go away and that an Agricultural Conservation District would not include the entire area currently zoned A-80.

Mr. Adams: Said that Mr. Brand's request for a September deadline [for receipt of the compilations by Committee members of what they like from the sample regulations from other the municipalities] was aspirational, and that he [Mr. Adams] was not sure if the receipt of these compilations will happen that quickly. Mr. Adams also said that the Committee must deliberate on this [the formation of an Agricultural Conservation District].

5. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Following the meeting, the clerk locked the front doors to the Town Hall.

Respectfully submitted,

John M. Robortella L.S.

**Farmington Agriculture Advisory Committee Members
As of January 10, 2023**

Hal Adams (*Chairperson January 1, 2023 to December 31, 2023*)

Reappointed January 4, 2022

Term expires December 31, 2026

Charles Bowe

Appointed March 28, 2023

Term expires December 31, 2026

Filling the vacant position of Don Jones who moved out of state.

William Boyce Jr.

Appointed March 28, 2023

Term expires December 31, 2027

Denis Lepel

Reappointed January 4, 2022

Term expires December 31, 2026

John Marvin

Reappointed January 5, 2021

Term expires December 31, 2025

Peter Maslyn

Reappointed January 4, 2022

Term expires December 31, 2026

Ronald Mitchell

Appointed March 28, 2023

Term expires December 31, 2024

Doug Payne

Reappointed January 4, 2022

Term expires December 31, 2026

Michael Putman

Appointed March 26, 2019

Term expires December 31, 2023

E-mail Distribution:

Adams, Hal
Bowe, Charles
Boyce Jr., William
Lepel, Denis
Marvin, John
Maslyn, Peter
Mitchell, Ronald
Payne, Doug
Putman, Michael

Town Board and Staff:

Bowerman, Nate
Brand, Ron
Casale, Michael
Caudle, Casey
Delpriore, Dan
Finley, Michelle
Gordner, August
Herendeen, Ron
Ingalsbe, Peter
Holtz, Steven
Marvel, Carol
Mitchell, Sarah